

Mr. Scott A. Hile  
Benchmark Construction, LLC  
2711 Banks Avenue  
Fort Wayne, Indiana 46802

Re: R 003-13001-00292  
First Reopening to Federally Enforceable  
State Operating Permit  
F 003-9712-00292

Dear Mr. Hile:

Benchmark Construction, LLC was issued a Federally Enforceable State Operating Permit (FESOP) on July 22, 1998. The Office of Air Quality (OAQ) has determined that it is necessary to reopen your FESOP permit. Notice of the permit reopening pursuant to 326 IAC 2-8-8(c) was provided on August 16, 2000.

As stated in the Notice, the language in 40 CFR Part 70.6(c)(5)(iii)(B)) was changed from "continuous or intermittent compliance" to "based on continuous or intermittent data" as part of the U.S. EPA's 1997 Compliance Assurance Monitoring rule making (Federal Register Volume 62, page 54900-54947, Wednesday, October 22, 1997). The U.S. District Court of Appeals, Washington D.C. ruled against EPA's language, saying that the Clean Air Act wording of continuous or intermittent compliance had to be used. (NRDC vs. EPA, #97-1727) Therefore, the following change is being made to your permit to be consistent with state and federal law.

Condition B.12(c)(3) is revised as follows:

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B.12 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

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- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was ~~based on~~ continuous or intermittent ~~data~~;
  - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
  - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, may require to determine the compliance status of the source.

Benchmark Construction, LLC  
Fort Wayne, IN

Reviewer: Stacey Pfeffer

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00292  
FESOP OP No. F 003-9712-00292

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this reopening and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Stacey Pfeffer, at (800) 451-6027, press 0 and ask for Stacey Pfeffer or extension 3-2628, or dial (317) 233-2628.

Sincerely,

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

Attachments

SP/gkf

cc: File Allen County  
Allen County Health Department  
Air Compliance Section Inspector - Jennifer Dorn  
Compliance Data Section - Karen Nowak  
Administrative and Development - Cynthia Bymaster  
Technical Support and Modeling - Michele Boner

**FEDERALLY ENFORCEABLE STATE  
OPERATING PERMIT (FESOP)  
and ENHANCED NEW SOURCE REVIEW  
OFFICE OF AIR QUALITY**

**Benchmark Construction, LLC  
2711 Banks Avenue  
Fort Wayne, Indiana 46802**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 and 326 IAC 2-1-3.2, as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F003-9712-00292	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: July 22, 1998  Expiration Date: July 22, 2003

First Administrative Amendment 003-11526-00292, issued June 14, 2000

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Benchmark Construction, LLC  
Fort Wayne, Indiana  
Permit Reviewer: Janusz Johnson

First Reopening R003-13001  
Opened by: Donna Dickison

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Issued by:  
Paul Dubenetzky, Branch Chief  
Office of Air Quality

Issuance Date:

(b)

The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

- (c) The annual compliance certification report shall include the following:
- (1) The identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was continuous or intermittent;
  - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
  - (5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, may require to determine the compliance status of the source.

The notification which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1)

**B.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]**

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- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond its control, the PMP cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management  
Compliance Branch, Office of Air Quality  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, Indiana 46206-6015

- (b) The Permittee shall implement the Preventive Maintenance Plans as necessary to ensure that lack of proper maintenance does not cause or contribute to a violation of any limitation on emissions or potential to emit.